

2011
Legislative Summary

50TH LEGISLATURE
1st Regular Session



Fast and Furious

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The 1st Regular Session of the 50th Legislature was one of the shortest and fastest moving legislatures in recent history. During the early morning hours on April Fool's Day the Legislature passed and provided the FY-2011-12 budget package to the Governor.

With the continued decline in state's revenue, and facing over a \$1 billion dollar deficit, the budget package included deep cuts to K-12, higher education and AHCCCS (Medicaid reform). The legislature and the Governor believed this budget would put Arizona on the path to being cost-effective, efficient and fiscally stable.

While the Arizona Game and Fish Department avoided substantial fiscal impacts, it sustained minor sweeps of Heritage and Watercraft dollars, allowing projects operation and maintenance into the 2012 fiscal calendar. Although the overall total appropriations for the Game and Fish Fund remained intact, other state agencies did not fair as well.

On the legislation front, the Department worked diligently to pass all the Commission supported legislation and conversely successfully stopped measures the Commission opposed. During the final days of the 1st regular session, the Governor tried to address personnel reform, but with their minds set, the legislature chose to adjourn sine die instead.

Game and Fish
Commission Legislative
Representatives

Robbie Woodhouse, Commissioner
Chairman

Jack Husted, Commissioner
Member

Session Highlights

50th Legislature Convenes
1st Regular Session January 3rd

Legislature Adjourns
sine die April 20th, 5:25 AM
Days of Session 100
Bills Introduced 1350
Bills Signed 357
Bills Vetoed 29

General Effective Date July 20th

AGFD
Legislative/Government
Affairs

Tony Guiles
Legislative Liaison/Government Affairs

Jorge Canaca
Asst. Legislative Liaison/Government Affairs





2011 LEGISLATIVE ACCOMPLISHMENTS

- ⊕ Protected the majority of Department funds from legislative transfer (sweeps) into the General Fund. Retained all Heritage funding, received full appropriation request for FY12.
- ⊕ All 9 bills the Commission supported were passed and signed into law and conversely all 3 measures the Commission opposed were either held or voted down.
- ⊕ Expanded the Commission's authorities through several pieces of legislation such as HB2314 (*NOW: boating safety; fees; fund*), SB1334 (*hunting within city limits*), HB2006 (*firearms within game refuges*), HB2358 (*wildlife; guides; wasted meat*), HB2396 (*game and fish; trophies; enforcement*) and HB2623 (*landowner prohibition of hunting; posting*).
- ⊕ Worked diligently with several members to pass HB2396 (*game and fish; trophies; enforcement*) and SB1012 (*NOW: lakes; non-motorized watercraft; rulemaking; exemption*) and obtain rule making exemptions from the Governor to allow the Boys Scouts of America to use Rose Canyon Lake for water training and canoe rescue.
- ⊕ Partnered with a variety of stakeholders (in passing or killing legislation) including State Parks, Cattle growers, Arizona Farm Bureau, Sierra Club, The Nature Conservancy, Arizona Wildlife Federation, Arizona Municipal Water Users Association, Salt River Project, City of Phoenix, eight County Sheriffs, the National Rifle Association and the Yuma Valley Rod and Gun Club.
- ⊕ Secured a series of stakeholder meetings with Legislative Staff, stakeholders and Senate bill sponsor of HB2114 (*NOW: fish eradication; moratorium; study committee*), and worked with members to reveal impacts of this measure on the Department.
- ⊕ Worked with legislators and staff on various provisions in proposed legislation to minimize and avert impacts to the Department, such as:
 - **HB2114 – NOW: fish eradication; moratorium; study committee:** This measure would have made it a class one (highest) misdemeanor to engage in the eradication of existing fish populations as part of a native fish reintroduction program in the Sonoita Creek Watershed through May 1, 2012. Would have established a six-member Joint Legislative Study Committee on human health risks associated with fish eradication to consider the methods of eradicating fish populations in state waters.
 - **HB1215 – Arizona Wildlife Conservation Service:** The measure would have changed the official name of the Game and Fish Department to the Wildlife Conservation Service. Likewise, the official name of the Game and Fish Commission would have changed to the Wildlife Conservation Service Commission.
 - **SB1294 – aquatic poison application:** This measure would have prohibited the use of rotenone or antimycin A in Arizona waters unless the Director of the Department of Environmental Quality (DEQ) determines its use will not endanger the environment or drinking water supplies, and approves the use of these chemicals.

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FY-2012 Department Approved Budget

CALCULATION FOR TOTAL	SB1612 General
FY 2012 Appropriation:	\$32,980,400
Less adjustment for one-time FY 2011 items:	(1,721,500)
Add FY 2011-12 approved requests:	5,054,700
Total FY 2011-12 Appropriation:	38,035,100

Considering Arizona's continued economic struggles, the Arizona Game and Fish Department was successful in receiving the Commission approved appropriation request for the 2012 fiscal year.

Department-Related Budget Bills:

SB1612: general appropriations FY 2011-2012

SB1613: capital outlay FY 2011-2012

SB1615: consolidation; state agencies

Detailed Bill Language (SB1612):

SEC. 40. GAME AND FISH DEPARTMENT 2011-12

FTE positions	273.5
Operating lump sum appropriation	\$32,105,300
Pittman - Robertson/Dingell - Johnson act	\$3,808,000
Performance incentive pay program	\$346,800*
Lower Colorado multispecies conservation	\$350,000
Watercraft grant program	\$1,175,000
Watercraft safety education program	\$250,000
<u>Lump sum reduction</u>	<u>\$1,721,500</u>
Total AGFD appropriation	\$38,035,100

Fund sources:

Game and fish fund	\$32,980,400
Waterfowl conservation fund	\$43,400
Wildlife endowment fund	\$16,000
Watercraft licensing fund	\$4,660,600
Game, nongame, fish and <u>endangered species fund</u>	<u>\$334,700</u>
Total	\$38,035,100

In addition to the \$3,808,000 for the Pittman - Robertson/Dingell - Johnson act line item, the lump sum appropriation includes \$50,000 for cooperative fish and wildlife research which may be used for the purpose of matching federal and apportionment funds.

The \$300,000 from the game and fish fund and \$46,800 from the watercraft licensing fund in fiscal year 2011-2012 for the performance incentive pay program line item shall be used for personal services and employee-related expenditures associated with the department's performance incentive pay program. This appropriation is a continuing appropriation and is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

ARIZONA GAME AND FISH DEPARTMENT

5000 West Carefree Highway, Phoenix, Arizona 85086



Commissioner Confirmation

Robert E. Mansell , Winslow **Senate Confirmation – March 8, 2011**

Robert E. Mansell of Winslow was confirmed as a member of the Arizona Game and Fish Commission by the Arizona Senate on March 8, 2011 following appointment by Governor Jan Brewer. He was one of three candidates submitted to Governor Brewer by the Arizona Game and Fish Commission Appointment Recommendation Board in November 2010. He is a lifelong Arizona resident and outdoorsman, hunter, angler, boater, pilot and community leader. Mr. Mansell had a long and distinguished career in public school administration, including service as superintendent of the Winslow Unified School District from 2003–2009. He has been active in the community, including past service on the Winslow City Council, the Winslow Memorial Hospital Board, and the Winslow Rotary Club. He is a life member of the National Rifle Association. His father and uncle, both now deceased, served as fish hatchery superintendents at the Canyon Creek and Tonto Creek hatcheries, respectively. He holds a Master of Arts degree in education and a Bachelor of Science degree in education/science from Northern Arizona University.





50TH LEGISLATURE 1ST REGULAR SESSION

One hundred days after convening on January 3rd the legislature adjourned Sine Die on April 20th. Despite being half the size of the House of Representatives, the Senate approved 117 more pieces of legislation than the House sent to them. Not counting this session, the Senate passed more bills than the House only twice since 2000 (in 2001 and 2003) but never by as many bills as this year. And by the time the governor concluded her actions, 196 Senate bills were signed into law, compared to 161 from the House. The disparity is best seen when it comes to the number of resolutions that ultimately made it to the Secretary of State's Office: 28 from the Senate and eight from the House. One explanation is the Senate hunkered down and kept churning out bills including taking the first crack at the Legislative budget bills

The House balked at nearly 100 proposals sent over by the Senate. They included legislation that challenged the federal government's authority through the use of multistate compacts. Some measures were never even assigned to a committee. In contrast, the Senate rejected fewer than 30 House measures. But the prevailing sentiment at the Capitol is that the Senate passed more bills because all of its members had served in the Legislature before, except for Republican Sens. Lori Klein of Anthem, Steve Smith of Maricopa and Don Shooter of Yuma.

Sen. Frank Antenori, R-Tucson, chairman of the Government Reform Committee, introduced a whopping 71 measures, 18 of which were ultimately enacted. Records from the past three legislative sessions point to a simple truism of the citizen-legislature model: *The shorter the session, the better the attendance*. An estimate of legislation that was be enacted into law is approximately 26.4% derived from all bills introduced this session.

The Commission approved 3 legislative proposals for the Department to introduce and advance in the 50th's 1st Regular Session. The Department was able to shepherd all three bills introduced through the legislative process as well as fend off several hostile measures attacking the Commission's authority and native fish management.

After the resignation of Speaker Kirk Adams, after Sine Die, House Republicans elected Representative Andy Tobin (D-1) as their new Speaker and Rep. Steve Court (D-18) as the new Majority Leader. Adams had announced his bid for the congressional seat being vacated by Congressman Jeff Flake. On May 25, Justin Pierce was sworn-in to replace former Speaker Kirk Adams in D-19.

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2011 COMMISSION SUPPORTED LEGISLATION

HB2623: *landowner prohibition of hunting; posting*

Disposition:

Transmitted to Governor – April 14, 2011

Signed by the Governor – April 19, 2011

Filed in the Secretary of State's Office - April 19, 2011: *Chapter 202*

Effective Date – July 20, 2011

Sponsors:

First sponsor: Rep. Crandell

Others: Sen. Pierce, Rep. Fann, Rep. Goodale, Rep. Barton, Rep. Reeve, Rep. Carter, Rep. Brophy McGee, Rep. Gallego, Rep. Olson, Sen. Biggs, Rep. Urie, Rep. Pancrazi, Rep. Jones, Sen. Griffin, Rep. Judd, Rep. Stevens, Rep. Gowan

Background:

This measure was introduced by the Arizona Farm Bureau to address issues dealing with hunter access and landowner property rights in relation to no trespass posting.

Provisions:

HB2623 specifies that entry onto land to hunt is not criminal trespassing unless the person remains on privately owned land after a reasonable request to leave by the owner. HB2632 makes it grounds for criminal trespassing if land is posted pursuant to A.R.S. § 17-304 (C) and notices and signboards also contain the words "no trespassing". Makes it grounds for criminal trespassing if the person knowingly remains unlawfully on any posted real property after a reasonable request to leave by the owner or any other person having lawful control over the property or the person knowingly disregards reasonable notice prohibiting trespass at the person's entry to any real property.

This Legislation allows for criminal trespassing charges to be brought against a person who is hunting on posted private land only if the posted notices contain the words "no trespassing" or the person either remains unlawfully on the land after a reasonable request to leave by the owner or other authorized person or if the person knowingly disregards notices prohibiting trespass at the person's entry point to the property.

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Action History:

HOUSE FIRST READ: 02/08/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

[Vote Detail](#) 02/08/11 [MAPS](#) 02/16/11 (8-0-0-1-0) [DPA](#)
[Vote Detail](#) 02/08/11 [RULES](#) 02/23/11 (7-0-0-2-0) [C&P](#)

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/03/11 [DPA](#) 0 0 0 0

AMENDMENTS

MAPS

Sub Floor Amend to MAPS - Gowan - passed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

[Vote Detail](#) 03/03/11 56 0 4 0 Y PASSED

TRANSMIT TO SENATE: 03/04/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

[Vote Detail](#) 03/08/11 [NRT](#) 03/14/11 (5-0-1-0) [DPA](#)
03/08/11 [RULES](#) 03/21/11 [PFC](#)

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/24/11 [DPA](#) 0 0 0 0

AMENDMENTS

NRT (ref Bill) adopted

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

[Vote Detail](#) 04/07/11 28 0 2 0 Y PASSED

TRANSMIT TO HOUSE: 04/08/11

Concurrence recommended

HOUSE CONCURRENCE: DATE AYES NAYS NV EXC

04/13/11 0 0 0 0

HOUSE FINAL READ: DATE AYES NAYS NV EXC EMER RFE 2/3 VOTE RESULT

[Vote Detail](#) 04/13/11 57 0 3 0 PASSED

TRANSMITTED TO: GOVERNOR 04/14/11

ACTION: SIGNED 04/19/11

CHAPTER: [202](#)

CHAPTERED VERSION: Senate Engrossed Version

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HB2006: firearms within game refuges

Disposition:

Transmitted to Governor – April 20, 2011

Signed by the Governor – April 27, 2011

Filed in the Secretary of State's Office - April 27, 2011: *Chapter 276*

Effective Date – July 20, 2011

Sponsors:

First sponsor: Rep. Harper

Background:

A.R.S. § 17-305 was established in 1958, is antiquated, and because the Department no longer has refuges under state control (Wildlife Area does not equal game refuge), the statute has no current applicability for state purposes.

Provisions:

HB2006 repeals A.R.S. § 17-305, relating to carrying or possessing firearms or game taking devices within game refuges.

HB2006 also allows the Arizona Game and Fish Commission (Commission) to adopt rules relating to public shooting ranges operated by and under their jurisdiction. This measure grants shooting range officers the authority to enforce these rules, remove violators from the premises and refuse entry for repeat violations for the purposes of creating a safe environment where regulated, legal recreational shooting and archery takes place with families, youngsters in Hunter Education, Olympic hopefuls practice and compete, and a host of shooting disciplines enjoy safe, responsible use of firearms. Additionally, law enforcement officers commonly practice and qualify with pistols, rifles and shotguns with state and federal agencies participating.

Action History:

HOUSE FIRST READ: 02/08/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	02/08/11	ENR	02/14/11	(9-0-0-0-0)	DP
Vote Detail	02/08/11	RULES	03/03/11	(6-0-1-2-0)	C&P

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/07/11	DP	0	0	0	0
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THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	03/09/11	48	11	1	0				PASSED
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TRANSMIT TO SENATE: 03/09/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	03/10/11	JUD	03/21/11	(8-0-1-0)	DPA
	03/10/11	RULES	03/28/11		PFC

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/30/11	DPA	0	0	0	0
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AMENDMENTS

JUD (ref Bill) adopted

THIRD READ: DATE	AYES	NAYS	NV	EXC	EMER	AMEND	RFE	2/3	VOTE	RESULT
Vote Detail 04/12/11	21	7	2	0		Y				PASSED

TRANSMIT TO HOUSE: 04/12/11

Concurrence recommended

HOUSE CONCURRENCE: DATE	AYES	NAYS	NV	EXC
04/19/11	0	0	0	0

HOUSE FINAL READ: DATE	AYES	NAYS	NV	EXC	EMER	RFE	2/3	VOTE	RESULT
Vote Detail 04/19/11	48	10	2	0					PASSED

TRANSMITTED TO: GOVERNOR 04/20/11

ACTION: SIGNED 04/27/11

CHAPTER: [276](#)

CHAPTERED VERSION: Senate Engrossed Version

HB2358: wildlife; guides; wasted meat

Disposition:

Transmitted to Governor – April 20, 2011

Signed by the Governor – April 27, 2011

Filed in the Secretary of State's Office - April 27, 2011: *Chapter 282*

Effective Date – July 20, 2011

Sponsors:

First sponsor: Rep. Jerry Weiers

Others: Rep. Smith, Rep. Stevens

Background:

Given the increased difficulties the Department has encountered in holding individuals accountable for 'guiding' without a license; the Commission approved a statutory change for the definition of 'guide.' This change would allow for reasonable ability to prosecute those genuine offenders. Another provision of this legislation that was approved by the Commission was introduced to deal with the issue of wasting of game meat. Currently, there is already an existing statutory provision that makes wasting game meat a Title 17 violation; however, this new legislation would make this violation a 'revocable' offense.

Provisions:

HB2358 expands the definition of a *guide* in the Department's statutes and adds acting as a guide without a license and wasting edible portions of meat to the current list of prohibited acts which may result in the revocation or suspension of a license issued by the Arizona Game and Fish Commission (Commission). HB2358 specifies that a guide is *not* a landowner or lessee who allows access to their property and directs and advises a person in the taking wildlife without full fair market compensation.

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HB2358 adds the following violations to the current list of actions under Section 17-340 that may result in the revocation or suspension of a license issued by the Commission:

- a) acting as a guide without a guide license; and
- b) knowingly wasting edible portions of game birds, game mammals or game fish

The legislation serves in keeping Arizona's hunting tradition ethical and tightens some loopholes our wildlife management agency has identified.

- Further defines "guide" to include:
 - a) advertises for guiding services;
 - b) holds himself out to the public for hire as a guide;
 - c) is employed by a commercial enterprise as a guide; or
 - d) accepts compensation in any form commensurate with the market value for guiding services in exchange for aiding, assisting, directing, leading or instructing a person in the field to locate and take wildlife.

Specifies that a guide is not a landowner or lessee who allows access to their property and directs and advises a person in the taking of wildlife without full fair market compensation.

- This is not meant to infringe upon friends paying for gas while on a hunting trip. This measure seeks to address unlicensed individuals serving as guides and being compensated in amounts equivalent to the market value (i.e. airfare, binoculars, rifles etc...) of a guided hunt.
- This measure makes wasting game meat a revocable (hunting license) offense for the more egregious cases (i.e an unethical hunter only takes the antlers from an animal and leaves the edible meat to waste).
- Defines edible portions other than meat damaged due to the method of take.

Action History:

HOUSE FIRST READ: 01/20/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	01/20/11	ENR	02/07/11	(9-0-0-0-0) DPA
Vote Detail	01/20/11	RULES	02/14/11	(9-0-0-0-0) C&P

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

02/23/11	DPA	0	0	0	0
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AMENDMENTS

ENR

Sub Floor Amend to ENR - Pratt - passed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	02/24/11	57	1	2	0		Y		PASSED
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TRANSMIT TO SENATE: 02/24/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	02/28/11	NRT	03/07/11	(6-0-0-0) DP
	02/28/11	RULES	03/14/11	PFC

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

04/06/11	DPA	0	0	0	0
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5000 West Carefree Highway, Phoenix, Arizona 85086

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AMENDMENTS

Antenori flr amend (ref Bill) adopted

THIRD READ: DATE	AYES	NAYS	NV	EXC	EMER	AMEND RFE	2/3 VOTE	RESULT
Vote Detail 04/20/11 30	0	0	0	0	Y			PASSED

TRANSMIT TO HOUSE: 04/20/11

Concurrence recommended

HOUSE CONCURRENCE: DATE	AYES	NAYS	NV	EXC
04/20/11 0	0	0	0	0

HOUSE FINAL READ: DATE	AYES	NAYS	NV	EXC	EMER	RFE	2/3 VOTE	RESULT
Vote Detail 04/20/11 35	23	2	0	0				PASSED

SENATE MISC. MOTION: DATE	AYES	NAYS	NV	EXC
04/05/11 0	0	0	0	0

MISCELLANEOUS MOTION

Motion to suspend a portion of Senate Rule 8A-3 for the purpose of returning House Bill 2358 to the calendar of the Committee of the Whole. Motion carried.

TRANSMITTED TO: GOVERNOR 04/20/11

ACTION: SIGNED 04/27/11

CHAPTER: [282](#)

CHAPTERED VERSION: Senate Engrossed Version

HB2396: game and fish; trophies; enforcement

Disposition:

Transmitted to Governor – April 12, 2011

Signed by the Governor – April 14, 2011

Filed in the Secretary of State's Office – April 14, 2011: *Chapter 113 E*

Effective Date – July 20, 2011

Sponsors:

First sponsor: Rep. Jones

Background:

Statute governing the penalties associated with illegal taking of wildlife is rewritten to specify that a person who is assessed civil damages for illegally taking wildlife is prohibited from applying for or obtaining a hunting license while an action for damages is still pending or until all damages are paid in full. Also, all employees and volunteers at the Game and Fish Dept who have contact with children or vulnerable adults must have a valid fingerprint clearance card. The Game and Fish Commission is exempt from rule-making requirements for one year to revise its rules pertaining to watercraft engine restrictions and the lawful methods of taking wildlife.

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Provisions:

Game and Fish; trophies; enforcement

Prohibits any person who is assessed civil damages by the Arizona Game and Fish Commission (Commission) for unlawfully taking, wounding, killing or possessing wildlife from applying for or obtaining a hunting or fishing license until damages have been paid in full.

Fingerprinting division; duties

Requires Arizona Game and Fish Department (Department) employees and volunteers who have contact with children or vulnerable adults as part of their regular duties to have a valid fingerprint clearance card or provide documentation of the person's application for a fingerprint clearance card.

- The Department currently has the ability to conduct in-state background checks. This measure would allow for national background checks of employees or volunteers
- The Department conducts a variety of youth hunting camps and overnight events and their utmost safety is always our main concern;
- There is potentially a significant savings to the state by minimizing future risks for liability/litigation;
- The Department is not a general fund agency. It is the Department's intention to incur all costs.

Exemptions from Rule Making

Exempts the Arizona Game and Fish Commission from the state's rulemaking requirements for one year in order to revise its rules relating to each of the following:

- a) watercraft motor and engine restrictions (to allow Boy Scouts to use canoes on Rose Canyon Lake)
- b) the lawful method of taking wildlife (to further define hunting rules)

Action History:

HOUSE FIRST READ: 01/19/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	01/19/11	JUD	02/17/11	(8-0-0-1-0) DPA
	01/19/11	ENR	02/03/11	W/D
Vote Detail	01/19/11	RULES	02/28/11	(9-0-0-0-0) C&P

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/07/11 [DPA](#) 0 0 0 0

AMENDMENTS

JUD - passed

Floor Amend to Bill - Farnsworth - passed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	03/10/11	59	1	0	0		Y		PASSED
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TRANSMIT TO SENATE: 03/10/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	03/14/11	NRT	03/14/11	(6-0-0-0) DP
	03/14/11	RULES	03/21/11	PFC

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/30/11 [RETAINED](#) 0 0 0 0

COW ACTION 2: DATE ACTION AYES NAYS NV EXC

03/31/11 [DPA](#) 0 0 0 0

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AMENDMENTS

Antenori flr amend (ref Bill) adopted

THIRD READ: DATE **AYES** **NAYS** **NV** **EXC** **EMER** **AMEND** **RFE** **2/3** **VOTE** **RESULT**

[Vote Detail](#) 04/06/11 29 0 1 0 E Y PASSED

TRANSMIT TO HOUSE: 04/06/11

Concurrence recommended

HOUSE CONCURRENCE: DATE **AYES** **NAYS** **NV** **EXC**

04/11/11 0 0 0 0

HOUSE FINAL READ: DATE **AYES** **NAYS** **NV** **EXC** **EMER** **RFE** **2/3** **VOTE** **RESULT**

[Vote Detail](#) 04/11/11 56 2 2 0 E PASSED

TRANSMITTED TO: GOVERNOR 04/12/11

ACTION: SIGNED 04/14/11

CHAPTER: [113](#) E

CHAPTERED VERSION: Senate Engrossed Version

SB1012: (Now: lakes; non-motorized watercraft; rulemaking exemption)

Disposition:

Transmitted to Governor – April 13, 2011

Signed by the Governor – April 14, 2011

Filed in the Secretary of State's Office - April 29, 2011: *Chapter 122 E*

Effective Date – July 20, 2011

Sponsors:

First sponsor: Sen. Pearce

Background:

The Arizona Game and Fish Commission (Commission) promulgates the rules and regulations for managing, conserving, and protecting wildlife and fisheries resources. The Commission also establishes policy for the management, preservation, and harvest of wildlife, oversees regulated watercraft and off-highway vehicle operations in the state and issues hunting and fishing licenses. The Arizona Game and Fish Department (Department) administers the rules as set by the Commission.

Commission rule R12-4-517 specifies lakes in the state where the operation of watercraft is permissible. Currently, the use of watercraft is not permitted on Frye Mesa Reservoir, Rose Canyon Lake or Snow Flat Lake. On March 11, 2011, the Commission approved the motion to allow non-motorized watercraft on Rose Canyon Lake.

Provisions:

SB1012 exempts the Arizona Game and Fish Department from otherwise required procedures governing rule-making for one year to adopt rules pertaining to watercraft motor and engine restrictions.

1. As session law, exempts the Department from the state's rulemaking requirements for one year to revise its rules relating to watercraft motor and engine restrictions (A.A.C. R12-4-517).

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- Requires the Department to file a notice of exempt rulemaking with the Secretary of State for publication in the Arizona Administrative Register and the Arizona Administrative Code.
- States that the exempt rules will have an immediate effective date.
- Becomes effective on signature of the Governor, if the emergency clause is enacted.

Action History:

SENATE FIRST READ: 01/10/11

SENATE SECOND READ: 01/11/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	02/03/11	PSHS	02/09/11	(4-0-2-0) DPA/SE
	01/10/11	RULES	02/14/11	PFC

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/14/11	DPA	0	0	0	0
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AMENDMENTS

PSHS (ref Bill) adopted

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	03/15/11	20	9	1	0		Y		PASSED
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TRANSMIT TO HOUSE: 03/16/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

	03/21/11	MAPS	03/22/11	W/D
	03/22/11	TI	03/29/11	W/D
Vote Detail	03/29/11	APPROP	03/30/11	(10-0-0-3-0) DPA/SE
Vote Detail	03/21/11	RULES	04/06/11	(9-0-0-0-0) C&P

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

04/11/11	DPA	0	0	0	0
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AMENDMENTS

APPROP - passed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	04/12/11	59	0	1	0	E	Y		PASSED
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TRANSMIT TO SENATE: 04/12/11

Concurrence recommended

SENATE CONCURRENCE: DATE AYES NAYS NV EXC

04/13/11	0	0	0	0
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SENATE FINAL READ: DATE AYES NAYS NV EXC EMER RFE 2/3 VOTE RESULT

Vote Detail	04/13/11	30	0	0	0	E		PASSED
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TRANSMITTED TO: GOVERNOR 04/13/11

ACTION: SIGNED 04/14/11

CHAPTER: [122 E](#)

CHAPTERED VERSION: House Engrossed Version

ARIZONA GAME AND FISH DEPARTMENT

5000 West Carefree Highway, Phoenix, Arizona 85086

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HB2314: NOW: boating safety; fees; fund

Disposition:

Transmitted to Governor – April 20, 2011

Signed by the Governor – April 29, 2011

Filed in the Secretary of State's Office - April 29, 2011: *Chapter 333*

Effective Date – July 20, 2011

Sponsors:

First sponsor: Rep. Jones

Others: Rep. McLain, Sen. Shooter

Background:

This legislation was coauthored by Yuma County (and La Paz County on behalf of all eight Counties currently receiving Law Enforcement Boating Safety Funds (LEBSF) and was coordinated with the Arizona Game and Fish Department (Department). HB2314 is not a Department or Arizona Game and Fish Commission (Commission) bill but was supported by the Commission.

Counties with boating enforcement programs in existence prior to 1990 are the only entities authorized by statute eligible for LEBSF funding. These counties constitute the primary watercraft law enforcement presence and critical incident response capability related to boat accidents on the bodies of water that fall within their jurisdictions. LEBSF dollars pay for County boating programs that account for 75% of all boating citations, 67% of all boat accident reports, and 50% of all OUI arrests in Arizona (2010 data). Without the creation of new water-bodies, no additional counties are anticipated to initiate any new boating programs in the foreseeable future.

Provisions:

HB2314 will transfer administration of LEBSF from the Arizona State Parks Board (ASPB) to the Commission. LEBSF is not a general fund and receives no state tax dollars. Motorized watercraft registration fees pay for LEBSF. The Commission will administer procedures on how LEBSF is distributed using currently LEBSF calculation formula. HB2314 will result in new monthly disbursement by the State Treasurer of LEBSF dollars to the eight participating counties. Current law allows LEBSF to accrue for a fiscal year for disbursement to the counties the following fiscal year.

Other than transferring LEBSF to the Commission and establishing monthly disbursement of dollars, no significant changes to the administration of LEBSF results. LEBSF dollars remain unavailable to the Department. At no time can any LEBSF dollars be utilized by the Department or loaded into Department indexes. HB2314 does not impact the State Lake Improvement Fund (SLIF). Further, the bill retains ASPB's administrative control of SLIF. Late into the legislative session, proponents of the two other provisions (Agency fee Commission and Department of Racing) included in HB2314 contacted the Department regarding these amendments and the Commission has not taken a position.

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Action History:

HOUSE FIRST READ: 01/20/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	01/20/11	AW	02/17/11	(9-0-0-0-0)	DPA/SE
Vote Detail	01/20/11	APPROP	02/23/11	(12-0-0-1-0)	DPA/SE
Vote Detail	01/20/11	RULES	03/07/11	(9-0-0-0-0)	C&P

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/10/11	DPA	0	0	0	0
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AMENDMENTS

APPROP - passed

AW - withdrawn

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	03/14/11	56	0	4	0		Y		PASSED
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TRANSMIT TO SENATE: 03/14/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	03/15/11	APPROP	03/29/11	(11-1-1-0)	DPA
	03/15/11	RULES	04/11/11		PFC

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

04/14/11	RETAINED	0	0	0	0
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COW ACTION 2: DATE ACTION AYES NAYS NV EXC

04/14/11	DPA	0	0	0	0
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AMENDMENTS

Biggs flr amend (ref Bill) (sub APPROP) adopted

Nelson flr amend (ref Bill) adopted

Biggs flr amend (ref Nelson flr amend) adopted

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	04/19/11	27	3	0	0		Y		PASSED
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TRANSMIT TO HOUSE: 04/20/11

Concurrence recommended

HOUSE CONCURRENCE: DATE AYES NAYS NV EXC

04/20/11	0	0	0	0
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HOUSE FINAL READ: DATE AYES NAYS NV EXC EMER RFE 2/3 VOTE RESULT

Vote Detail	04/20/11	58	0	2	0				PASSED
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TRANSMITTED TO: GOVERNOR 04/20/11

ACTION: SIGNED 04/29/11

CHAPTER: [333](#)

CHAPTERED VERSION: Senate Engrossed Version

ARIZONA GAME AND FISH DEPARTMENT

5000 West Carefree Highway, Phoenix, Arizona 85086



SB1334: hunting within city limits

Disposition:

Transmitted to Governor – April 20, 2011

Signed by the Governor – April 29, 2011

Filed in the Secretary of State's Office - April 29, 2011: *Chapter 349*

Effective Date – July 20, 2011

Sponsors:

First sponsor: Sen. Antenori

Others: Sen. Gould, Sen. Allen, Sen. Klein, Sen. Nelson, Rep. Montenegro, Sen. Biggs, Sen. Smith, Rep. Stevens, Rep. Gowan

Background:

As outlined in Arizona Revised Statutes (A.R.S.) § 17-231, the Commission promulgates the rules and regulations for managing, conserving, and protecting wildlife and fisheries resources. The Commission also establishes policy for the management, preservation, and harvest of wildlife, oversees regulated watercraft and off-highway vehicle operations in the state, and issues hunting and fishing licenses. The Arizona Game and Fish Department (Department) administers the rules as set by the Commission.

The state is divided into units for the purpose of managing wildlife, and each unit is identified by a number, or a number and letter. The Commission has the authority to limit the method of take in management units and to specify which wildlife may be taken and during which seasons. The Commission can also specify bag or possession limits or the number of permits available for a hunt.

Provisions:

SB1334 allows for lawful hunting within city and town limits during open seasons established by the Game and Fish Commission (Commission), and precludes cities and towns from enacting ordinances that would not allow this to occur. SB1334 prohibits a political subdivision from enacting an ordinance, rule or regulation that limits the lawful take of wildlife during an open season unless it is consistent with the state's hunting laws and regulations in statute. This measure will increase recreational hunting opportunities by providing individuals the ability to pursue small game hunting in close proximity to their urban areas.

The House of Representatives amended the bill to clarify that a political subdivision (i.e. city, town or county) can adopt an ordinance or rule that prohibits or otherwise restricts the discharge of a firearm within one-quarter mile of any occupied structure. This one-quarter mile requirement is currently in statute and unambiguously enforced by the Department. Additionally, this amendment was adopted to meet the concerns of cities and towns, and is supported by the Department and Commission.

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Action History:

SENATE FIRST READ: 01/31/11

SENATE SECOND READ: 02/01/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

[Vote Detail](#) 01/31/11 [NRT](#) 02/07/11 (4-2-0-0) [DPA](#)
01/31/11 [RULES](#) 02/14/11 [PFCA](#)

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

02/24/11 [DPA](#) 0 0 0 0

AMENDMENTS

NRT (ref Bill) adopted

RULES (ref NRT) adopted

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

[Vote Detail](#) 02/28/11 20 9 1 0 Y PASSED

TRANSMIT TO HOUSE: 03/01/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

[Vote Detail](#) 03/08/11 [JUD](#) 03/17/11 (6-2-0-1-0) [DP ON RECON](#)
[Vote Detail](#) 03/08/11 [RULES](#) 03/28/11 (7-0-0-2-0) [C&P](#)

CONSENT CALENDAR: 03/28/11 3:07 PM Object

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

04/07/11 [RET ON CAL](#) 0 0 0 0

COW ACTION 2: DATE ACTION AYES NAYS NV EXC

04/14/11 [DPA](#) 0 0 0 0

AMENDMENTS

Floor Amend to Bill - Farnsworth - passed

Floor Amend to Bill - Reeve - passed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

[Vote Detail](#) 04/18/11 41 17 2 0 Y PASSED

TRANSMIT TO SENATE: 04/19/11

Concurrence recommended

SENATE CONCURRENCE: DATE AYES NAYS NV EXC

04/19/11 0 0 0 0

SENATE FINAL READ: DATE AYES NAYS NV EXC EMER RFE 2/3 VOTE RESULT

[Vote Detail](#) 04/19/11 21 9 0 0 PASSED

TRANSMITTED TO: GOVERNOR 04/20/11

ACTION: SIGNED 04/29/11

CHAPTER: [349](#)

CHAPTERED VERSION: House Engrossed Version

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SB1229: recreational users; landowner liability

Disposition:

Transmitted to Governor – April 12, 2011

Signed by the Governor – April 14, 2011

Filed in the Secretary of State's Office - April 14, 2011: *Chapter 123*

Effective Date – July 20, 2011

Sponsors:

First sponsor: Sen. Nelson

Others: Rep. Fann, Sen. Allen, Rep. Reeve, Sen. McComish, Rep. Pratt, Sen. Shooter, Rep. Jones, Sen. Melvin

Background:

SB1229 indemnifies a landowner from liability from claims by a recreational user of the land, the definition of "recreational user" is expanded to include a person who, without payment of an admission fee, engages in off-highway vehicle, off-road recreational motor vehicle or the operation of aircraft. The purchase of a state trust land recreational permit or of a off-highway vehicle user indicia is not considered payment of an admission fee. Additionally, the definition of "premises" is expanded to include water delivery or water drainage lands.

Provisions:

1. Modifies the definition of recreational user in the recreational immunity statute to include persons engaging in off-highway vehicle, off-road recreational motor vehicle, all-terrain vehicle, other outdoor recreational pursuits and operation of aircraft.
2. Clarifies that tenants and managers of public and private land are among those landowners and lessees that are not liable to a recreational or educational user who engages in prescribed activities on their premises.
3. Adds the purchase of state trust land recreational permit and off-highway vehicle user indicia (OHV decal) to other state licenses that do not constitute an admission fee for recreational or educational immunity purposes.
4. Modifies the definition of premises to include lands used for water delivery and water drainage.

Action History:

SENATE FIRST READ: 01/25/11

SENATE SECOND READ: 01/26/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	01/25/11	NRT	01/31/11	(6-0-0-0) DP
	01/25/11	RULES	02/07/11	PFC

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	02/10/11	29	0	1	0				PASSED
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TRANSMIT TO HOUSE: 02/11/11

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COMMITTEES: ASSIGNED COMMITTEES ACTION

[Vote Detail](#) 02/21/11 [JUD](#) 02/24/11 (9-0-0-0-0) [DP](#)
[Vote Detail](#) 02/21/11 [RULES](#) 03/21/11 (5-0-0-4-0) [C&P](#)

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/24/11 [RET ON CAL](#) 0 0 0 0

COW ACTION 2: DATE ACTION AYES NAYS NV EXC

04/05/11 [DPA](#) 0 0 0 0

AMENDMENTS

Floor Amend to Bill - Farnsworth - passed

Floor Amend to Bill - Pratt - passed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

[Vote Detail](#) 04/06/11 58 0 2 0 Y PASSED

TRANSMIT TO SENATE: 04/06/11

Concurrence recommended

SENATE CONCURRENCE: DATE AYES NAYS NV EXC

04/12/11 0 0 0 0

SENATE FINAL READ: DATE AYES NAYS NV EXC EMER RFE 2/3 VOTE RESULT

[Vote Detail](#) 04/12/11 29 0 1 0 PASSED

TRANSMITTED TO: GOVERNOR 04/12/11

ACTION: SIGNED 04/14/11

CHAPTER: [123](#)

CHAPTERED VERSION: House Engrossed Version

HCM2002: remove gray wolf; endangered species

Disposition:

Transmitted to Secretary of State – April 20, 2011

Filed in the Secretary of State's Office - April 20, 2011:

Sponsors:

First sponsor: Rep. Jerry Weiers

Others: Sen. Pierce, Rep. Fann, Rep. Tobin, Sen. Gould, Rep. Goodale, Rep. McLain, Sen. Bundgaard, Rep. Burges, Rep. Harper, Sen. Allen, Rep. Crandell, Rep. Ugenti, Rep. Carter, Sen. Reagan, Sen. Murphy, Rep. R. Gray, Rep. Lesko, Sen. L. Gray, Rep. Yee, Rep. Brophy McGee, Sen. Nelson, Rep. Montenegro, Rep. Ash, Rep. Court, Sen. Crandall, Rep. Dial, Rep. Robson, Rep. Forese, Rep. Mesnard, Rep. Urie, Rep. Pratt, Sen. Shooter, Rep. Pancrazi, Rep. Jones, Sen. Griffin, Rep. Judd, Rep. Stevens, Rep. Proud, Rep. Wheeler, Sen. Antenori, Rep. Gowan, Rep. Vogt, Rep. Williams

Background:

In 1976 the gray wolf was listed as endangered and placed under federal protection by the Endangered Species Act of 1973 (ESA). The ESA provides a program for the conservation of threatened and

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endangered plants and animals and their habitats. The ESA prohibits unauthorized taking, possession, sale and transport of the species listed under this act. The 1996 Environmental Impact Statement aims to reach a population of at least 100 wild Mexican gray wolves in the Blue Range Wolf Recovery Area. The Mexican Wolf Species Survival Plan's goal is to house a minimum of 240 wolves in captivity at all times to ensure the security of the species and currently houses 300 Mexican wolves in 49 facilities in the U.S. and Mexico. This is a postcard to Congress which urges Congress to delist the gray wolf from the Endangered Species Act and return management of the species to the states, "unencumbered by federal interference."

Provisions:

1. Urges the United States Congress to immediately remove the gray wolf from the Endangered Species Act and return management of the gray wolf to the state.
2. Request that the Secretary of State transmit this memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

Action History:

HOUSE FIRST READ: 02/01/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	02/01/11	ENR	02/14/11	(7-2-0-0-0) DP
Vote Detail	02/01/11	RULES	02/23/11	(7-0-0-2-0) C&P

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/02/11	DP	0	0	0	0
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AMENDMENTS

Floor Amend to Con Mem - Patterson - failed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	03/09/11	39	20	1	0			PASSED
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TRANSMIT TO SENATE: 03/09/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	03/10/11	BSFSS	03/17/11	(5-0-2-0) DP
	03/10/11	RULES	03/21/11	PFC

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/24/11	DP	0	0	0	0
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THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	04/20/11	21	9	0	0			PASSED
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TRANSMIT TO HOUSE: 04/20/11

TRANSMITTED TO: SECRETARY OF STATE 04/20/11

TRANSMITTED VERSION: House Engrossed Version

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2011 COMMISSION OPPOSED LEGISLATION

SB1294: (NOW: aquatic poison application)

Sponsors:

First Sponsor: Sen. Griffin

Provisions:

This measure would have prohibited the use of rotenone or antimycin A in Arizona waters unless the Director of the Department of Environmental Quality (DEQ) determines its use will not endanger the environment or drinking water supplies, and approves the use of these chemicals.

Disposition:

Dead – Held in the House. This measure was never heard by a House committee.

Action History:

TITLE: water banking authority; report
(NOW: aquatic poison application)

SENATE FIRST READ: 01/27/11

SENATE SECOND READ: 01/31/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	01/27/11	WLRD	02/09/11	(4-2-0-0)	DPA/SE
	01/27/11	RULES	02/14/11		PFC W/FL

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

02/23/11	DPA	0	0	0	0
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AMENDMENTS

WLRD (ref Bill) adopted

Griffin flr amend (ref WLRD) adopted

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail	03/01/11	21	8	1	0		Y		PASSED
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TRANSMIT TO HOUSE: 03/02/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

03/08/11	ENR
03/08/11	RULES

HOUSE SECOND READ: 03/09/11

FINAL DISPOSITION: Held in House

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HB2114: NOW: fish eradication; moratorium; study committee

Sponsors:

First Sponsor: Rep. Stevens

Provisions:

This measure would have made it a class one (highest) misdemeanor to engage in the eradication of existing fish populations as part of a native fish reintroduction program in the Sonoita Creek Watershed through May 1, 2012. Would have established a six-member Joint Legislative Study Committee on human health risks associated with fish eradication to consider the methods of eradicating fish populations in state waters.

Disposition:

Dead - 4/19/11, Died on Final Read on the House Floor (10-50). This measure was never heard by a House committee.

Action History:

TITLE: technical correction; chiropractic

(NOW: fish eradication; moratorium; study committee)

(PREV NOW: large scale computing study)

HOUSE FIRST READ: 02/08/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

[Vote Detail](#) 02/08/11 **TI** 02/17/11 (7-0-0-0-0) [DPA/SE](#)

[Vote Detail](#) 02/08/11 **RULES** 02/23/11 (7-0-0-2-0) [C&P](#)

HOUSE SECOND READ: 02/09/11

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

03/03/11 [DPA](#) 0 0 0 0

AMENDMENTS

TI - passed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

[Vote Detail](#) 03/03/11 54 0 6 0 Y PASSED

TRANSMIT TO SENATE: 03/04/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

03/07/11 **GR** 03/21/11 [W/D](#)

[Vote Detail](#) 03/21/11 **WLRD** 03/23/11 (3-2-1-0) [DPA/SE](#)

03/07/11 **RULES** 04/04/11 [PFC](#)

COW ACTION 1: DATE ACTION AYES NAYS NV EXC

04/07/11 [RETAINED](#) 0 0 0 0

COW ACTION 2: DATE ACTION AYES NAYS NV EXC

04/07/11 [DPA](#) 0 0 0 0

AMENDMENTS

WLRD (ref Bill) adopted

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Griffin fir amendment WL RD adopted

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THIRD READ: DATE	AYES	NAYS	NV	EXC	EMER	AMEND	RFE	2/3	VOTE	RESULT
Vote Detail	04/12/11	19	9	2	0		Y			PASSED

TRANSMIT TO HOUSE: 04/12/11

Concurrence recommended

HOUSE CONCURRENCE: DATE	AYES	NAYS	NV	EXC
	04/19/11	0	0	0

HOUSE FINAL READ: DATE	AYES	NAYS	NV	EXC	EMER	RFE	2/3	VOTE	RESULT
Vote Detail	04/19/11	10	50	0	0				FAILED

HB2125: Arizona Wildlife Conservation Service

Sponsors:

First Sponsor: Rep. Patterson

Provisions:

This measure would have amended sections 17-101, 17-201, 17-211 and 17-214, Arizona Revised Statutes; relating to wildlife management.

The official name of the Game and Fish Department would have changed to the Wildlife Conservation Service. Likewise, the official name of the Game and Fish Commission would have changed to the Wildlife Conservation Service Commission.

Disposition:

Dead – Assigned to Energy and Natural Resources Committee and was never heard in the House.

Action History:

HOUSE FIRST READ: 01/18/11

COMMITTEES: ASSIGNED COMMITTEES ACTION

01/18/11 [ENR](#)

01/18/11 [RULES](#)

HOUSE SECOND READ: 01/19/11

ARIZONA GAME AND FISH DEPARTMENT

5000 West Carefree Highway, Phoenix, Arizona 85086



OTHER LEGISLATION OF INTEREST

SB1517: transmission lines; siting

Disposition:

Failed – April 18, 2011. Failed to pass House Committee Of the Whole 14-40

Provisions:

The proposed strike-everything amendment to SB 1517 provides direction with regard to the application process for the construction of a transmission line and issuance of the certificate of environmental compatibility.

SB1201: firearms omnibus

Disposition:

Vetoed by the Governor – April 29, 2011

Provisions:

SB 1201 makes various changes to the statutes relating to weapons misconduct, forfeiture of weapons and explosives, firearms regulated by the state, and the prohibition of firearms at public establishments or events.

HB2360: game and fish appointment board

Disposition:

Signed by the Governor – April 14, 2011

Filed in the Secretary of State's Office –April 14, 2011: **Chapter 111**

Effective Date – July 20, 2011

Provisions:

HB 2360 allows one member of the Arizona Game and Fish Commission Appointment Recommendation Board to come from an organization whose mission is to increase, or conserve one of the animals from a specified list, rather than all of those animals.

SB1335: hunting at night; varmints

Disposition:

Held – February 7, 2011. Held in Natural Resources and Transportation Committee

Provisions:

Adds jackrabbits, raccoons and predatory animals as wildlife that can be taken at times other than daytime (e.g. nighttime). This issue will be addressed through Exemptions from Rule Making by the Department.



LEGISLATIVE VOTE DATA/ANALYSIS

The following information has been compiled from legislator votes on 3rd and final reads. Table 1 and 2 (Scorecards) include a spreadsheet of members' votes on 10 measures that the Commission took a position on. Members received a "1" if they voted in-line with the Commission's position, and a "0" if they voted opposite the Commission's position. If a member was absent for a vote or left the floor and did not vote on a measure (which does happen), they received a "NV." Members are ranked by their percentage of votes that are in-line with the Commission positions.

The 10 measures (and Commission's position) are evaluated in this descriptive analysis include:

- **HB2396**: game and fish; trophies; enforcement (**Support**)
- **HB2006**: firearms within game refuges (**Support**)
- **HB2358**: wildlife; guides; wasted game meat (**Support**)
- **HB2623**: landowner prohibition of hunting; posting (**Support**)
- **HB2314**: boating safety; fees; fund (**Support**)
- **SB1012**: lakes; non-motorized watercraft; rulemaking exemption (**Support**)
- **SB1229**: recreational users; landowner liability (**Support**)
- **SB1334**: hunting within city limits (**Support**)
- **HCM2002**: remove gray wolf; endangered species (**Support**)
- **HB2114**: fish eradication; moratorium; study committee (**Oppose**)

The 1st bar graph (purple) illustrates the percentage of favorable votes from all 60 members in the House of Representatives. In this graphic, the numbers breakdown as follows:

- 26 members (43%) voted in-line with the Commission with 100% favorability
- 39 members (65%) voted in-line with the Commission with over 90% favorability
- On Average, all 60 members voted in-line with the Commission 83% of the time (Pie Chart 1)

The 2nd bar graph (green) illustrates the percentage of favorable votes from all 30 members in the Senate. In this graphic, the numbers breakdown as follows:

- 2 members (6%) voted in-line with the Commission with 100% favorability
- 16 members (53%) voted in-line with the Commission with over 90% favorability
- On Average, all 30 members voted in-line with the Commission 82% of the time (Pie Chart 2)

It is important to note, that if not for HB2114: *fish eradication; moratorium; study committee*, 18 members (60% of Senate) would have voted in-line with the Commission 100% of the time.

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In the House of Representatives, 26 members (Reps. Adams, Brophy McGee, Burges, Carter, Crandell, Dial, Forese, Goodale, Gray, Jones, Kavanaugh, Lesko, McLain, Mesnard, Montenegro, Olson, Pratt, Proud, Reeve, Robson, Seel, Ugenti, Urie, Jim Weiers, Jerry Weiers, and Yee) voted in-line with the Commission 100% of the time. Only four of the 26 members (Brophy McGee, Mesnard, Urie and Jim Weiers) missed one vote or more.

While there were only two Senate members (Sens. Antenori and Nelson) received a 100% voting favorability with the Commission. Only one member, Senator John Nelson voted in-line with the Commission 100% of the time, and cast a vote on all 10 bills (not receiving any "NV"). Sen. Antenori missed three votes.

In comparison, in 2010 only 1 Representative (Russ Jones-missed no votes) and two Senators (Rebecca Rios and Daniel Patterson-missed one vote) voted in-line with the Commission 100%.

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Table 1. 2011 House of Representatives' Legislative Scorecard based on Commission position

Member	Party/ District	HB2396 Support	HB2006 Support	HB2358 Support	HB2623 Support	HB2314 Support	SB1012 Support	SB1229 Support	SB1334 Support	HCM2002 Support	HB2114 Oppose	No. of Favorable Votes	Favorable Percentage	Total NV or Absent
Eddie Ableser	D-17	NV	1	0	NV	NV	1	1	NV	0	1	4	67%	4
Kirk D. Adams	R-19	1	1	1	1	1	1	1	1	1	1	10	100%	0
Lela Alston	D-15	1	0	0	1	1	1	1	0	0	1	6	60%	0
Ben Arredondo	D-17	1	0	0	1	1	1	1	0	0	1	6	60%	0
Cecil P. Ash	R-18	1	1	1	1	1	1	1	1	1	0	9	90%	0
Brenda Barton	R-5	1	1	1	1	1	1	1	1	1	0	9	90%	0
Kate Brophy McGee	R-11	1	1	1	1	1	NV	1	1	1	1	9	100%	1
Judy Burges	R-4	1	1	1	1	1	1	1	1	1	1	10	100%	0
Chad Campbell	D-14	0	1	0	NV	1	1	1	0	0	1	5	56%	1
Heather Carter	R-7	1	1	1	1	1	1	1	1	1	1	10	100%	0
Tom Chabin	D-2	1	0	0	1	1	1	1	0	0	1	6	60%	0
Steve Court	R-18	1	1	1	1	1	1	1	1	1	0	9	90%	0
Chester Crandell	R-5	1	1	1	1	1	1	1	1	1	1	10	100%	0
Jeff Dial	R-20	1	1	1	1	1	1	1	1	1	1	10	100%	0
Karen Fann	R-1	1	1	1	1	1	1	1	1	1	0	9	90%	0
Steve Farley	D-28	1	1	0	NV	1	1	1	0	0	1	6	67%	0
Eddie Farnsworth	R-22	1	1	0	1	1	1	1	1	1	1	9	90%	0
John Fillmore	R-23	1	1	0	1	1	1	NV	1	1	1	8	89%	1
Tom Forese	R-21	1	1	1	1	1	1	1	1	1	1	10	100%	0
Ruben Gallego	D-16	1	1	0	1	NV	1	1	0	0	1	6	67%	1
Sally Ann Gonzales	D-27	1	1	0	1	1	1	1	0	0	1	7	70%	0
Doris Goodale	R-3	1	1	1	1	1	1	1	1	1	1	10	100%	0
David M. Gowan Sr.	R-30	1	1	1	1	1	1	1	1	1	0	9	90%	0
Rick Gray	R-9	1	1	1	1	1	1	1	1	1	1	10	100%	0
Albert Hale	D-2	1	0	0	1	NV	1	1	0	0	1	5	56%	1
Jack W. Harper	R-4	1	1	0	1	1	1	1	1	1	1	9	90%	0
Matt Heinz	D-29	1	NV	0	1	1	1	NV	0	0	1	5	63%	2
Katie Hobbs	D-15	1	0	0	1	1	1	1	0	0	1	6	60%	0
Russ Jones	R-24	1	1	1	1	1	1	1	1	1	1	10	100%	0
Peggy Judd	R-25	1	1	1	1	1	1	1	1	1	0	9	90%	0
John Kavanaugh	R-8	1	1	1	1	1	1	1	1	1	1	10	100%	0
Debbie Lesko	R-9	1	1	1	1	1	1	1	1	1	1	10	100%	0
Debbie McCune	D-14	1	0	0	1	1	1	1	NV	0	1	6	67%	1
Nancy McLain	R-3	1	1	1	1	1	1	1	1	1	1	10	100%	0
Javan "J.D." Mesnard	R-21	1	NV	1	1	1	1	1	1	1	1	9	100%	1
Eric Meyer	D-11	0	0	0	1	1	1	1	0	0	1	5	50%	0

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Table 1. 2011 House of Representatives' Legislative Scorecard based on Commission position (Continued)

Member	Party/ District	HB2396 Support	HB2006 Support	HB2358 Support	HB2623 Support	HB2314 Support	SB1012 Support	SB1229 Support	SB1334 Support	HCM2002 Support	HB2114 Oppose	No. of Favorable Votes	Favorable Percentage	Total NV or Absent
Catherine H.	D-16	1	0	0	1	NV	1	1	0	0	1	5	56%	1
Richard Miranda	D-13	NV	0	NV	1	1	1	1	0	0	1	5	63%	2
Steve B. Montenegro	R-12	1	1	1	1	1	1	1	1	1	1	10	100%	0
Justin Olson	R-19	1	1	1	1	1	1	1	1	1	1	10	100%	0
Lynne Pancrazi	D-24	1	1	0	1	1	1	1	1	0	1	8	80%	0
Daniel Patterson	D-29	1	1	0	1	1	1	1	0	0	1	7	70%	0
Frank Pratt	R-23	1	1	1	1	1	1	1	1	1	1	10	100%	0
Terri Proud	R-26	1	1	1	1	1	1	1	1	1	1	10	100%	0
Amanda A. Reeve	R-6	1	1	1	1	1	1	1	1	1	1	10	100%	0
Bob Robson	R-20	1	1	1	1	1	1	1	1	1	1	10	100%	0
Macario Saldate IV	R-27	1	1	0	1	1	1	1	0	0	1	7	70%	0
Carl Seel	R-6	1	1	1	1	1	1	1	1	1	1	10	100%	0
David Burnell Smith	R-7	1	1	0	1	1	1	1	1	1	1	9	90%	0
David W. Stevens	R-25	1	1	1	1	1	1	1	1	1	0	9	90%	0
Andy Tobin	R-1	1	1	1	1	1	1	1	1	1	0	9	90%	0
Anna Tovar	D-13	1	0	0	1	1	1	1	0	0	1	6	60%	0
Michelle Ugenti	R-8	1	1	1	1	1	1	1	1	1	1	10	100%	0
Steve Urie	R-22	1	1	1	1	1	1	1	1	NV	1	9	100%	1
Ted Vogt	R-30	1	1	1	1	1	1	1	1	1	0	9	90%	0
Jim Weiers	R-10	1	1	NV	1	NV	1	1	1	1	1	8	100%	2
Jerry Weiers	R-12	1	1	1	1	1	1	1	1	1	1	10	100%	0
Bruce Wheeler	D-28	1	1	0	1	1	1	1	0	0	1	7	70%	0
Vic Williams	R-26	1	1	1	1	1	1	1	1	1	0	9	90%	0
Kimberly Yee	R-10	1	1	1	1	1	1	1	1	1	1	10	100%	0
Totals/Avg.		56	48	35	57	55	59	58	41	39	50	8	83%	19
1=Voted in favor of Commission's Position		0=Voted in Opposition to Commission's Position						NV=Did not cast a vote or was absent						

26

Voted with Commission 100% of time

13

Voted with Commission 90% of time

Total 39=65% of House of Representatives

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Table 2. 2011 Senate Legislative Scorecard based on Commission position

Member	Party/ District	HB2396 Support	HB2006 Support	HB2358 Support	HB2623 Support	HB2314 Support	SB1012 Support	SB1229 Support	SB1334 Support	HCM2002 Support	HB2114 Oppose	No. of Favorable Votes	Favorable Percentage	Total NV or Absent
Paula Aboud	D-28	1	1	1	1	1	1	1	0	0	1	8	80%	0
Sylvia Allen	R-5	1	1	1	1	1	1	1	1	1	0	9	90%	0
Frank Antenori	R-30	1	NV	1	1	1	1	NV	1	1	NV	7	100%	3
Nancy Barto	R-7	1	1	1	1	1	1	1	1	1	0	9	90%	0
Andy Biggs	R-22	1	1	1	1	1	1	1	1	1	0	9	90%	0
Scott Bundgaard	R-4	1	1	1	1	0	1	1	1	1	0	8	80%	0
Olivia Cajero	D-27	1	0	1	1	1	1	1	0	0	1	7	70%	0
Rich Crandall	R-19	1	1	1	1	1	1	1	1	1	0	9	90%	0
Adam Driggs	R-11	1	1	1	1	1	1	1	1	1	0	9	90%	0
Steve Gallardo	D-13	1	0	1	NV	1	1	1	0	0	1	6	67%	1
Ron Gould	R-3	1	1	1	1	1	1	1	1	1	0	9	90%	0
Linda Gray	R-10	1	1	1	1	1	1	1	1	1	0	9	90%	0
Gail Griffin	R-25	1	1	1	1	1	1	1	1	1	0	9	90%	0
Jack Jackson Jr.	D-2	1	0	1	1	1	1	1	0	0	1	7	70%	0
Lori Klein	R-6	1	1	1	1	1	1	1	1	1	0	9	90%	0
Leah Landrum	D-16	1	0	1	1	1	1	1	0	0	1	7	70%	0
Linda Lopez	D-29	1	0	1	1	1	1	1	0	0	1	7	70%	0
John McComish	R-20	1	1	1	1	1	1	1	1	1	0	9	90%	0
Al Melvin	R-26	1	1	1	1	1	1	1	1	1	0	9	90%	0
Robert Meza	D-14	1	0	1	1	1	1	1	0	0	1	7	70%	0
Rick Murphy	R-9	1	1	1	1	0	1	1	1	1	0	8	80%	0
John Nelson	R-12	1	1	1	1	1	1	1	1	1	1	10	100%	0
Russell Pearce	R-18	1	1	1	1	1	1	1	1	1	0	9	90%	0
Steve Pierce	R-1	1	1	1	1	0	1	1	1	1	0	8	80%	0
Michele Reagan	R-8	1	1	1	1	1	1	1	1	1	0	9	90%	0
David Schapira	D-17	1	0	1	1	1	1	1	0	0	1	7	70%	0
Don Shooter	R-24	1	1	1	1	1	1	1	1	1	0	9	90%	0
Kyrsten Sinema	D-15	NV	NV	1	NV	1	1	1	0	0	NV	4	67%	4
Steve Smith	R-23	1	1	1	1	1	1	1	1	1	0	9	90%	0
Steve Yarbrough	R-21	1	1	1	1	1	1	1	1	1	0	9	90%	0
Totals/Avg.		29	21	30	28	27	30	29	21	21	9	8	82%	8
1=Voted in favor of Commission's Position 0=Voted in Opposition to Commission's Position NV=Did not cast a vote or was absent														

2 Voted with Commission 100% of time
16 Voted with Commission 90% of time
 Total 18 = 60% of Senate

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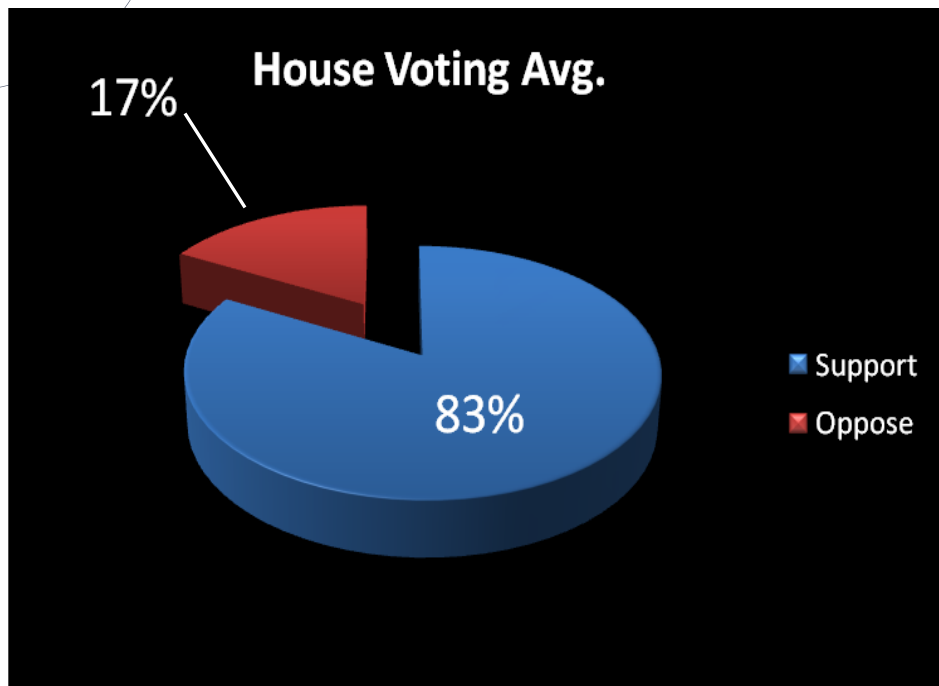
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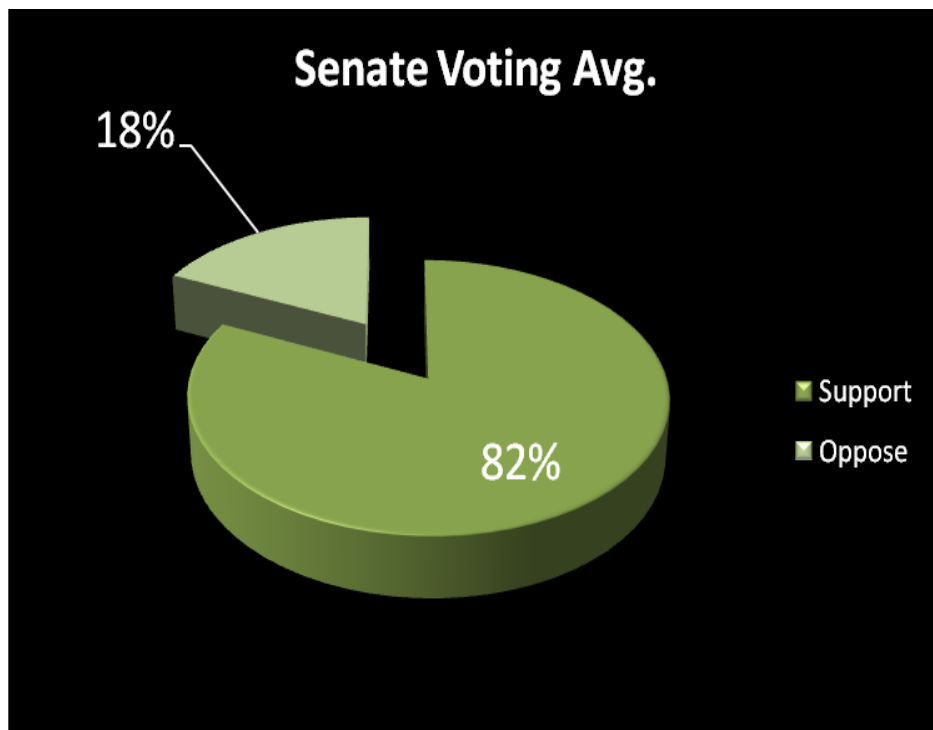
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Pie Chart 1: Voting Average of all House Members based on Commission Position



Pie Chart 2: Voting Average of all Senate Members based on Commission Position

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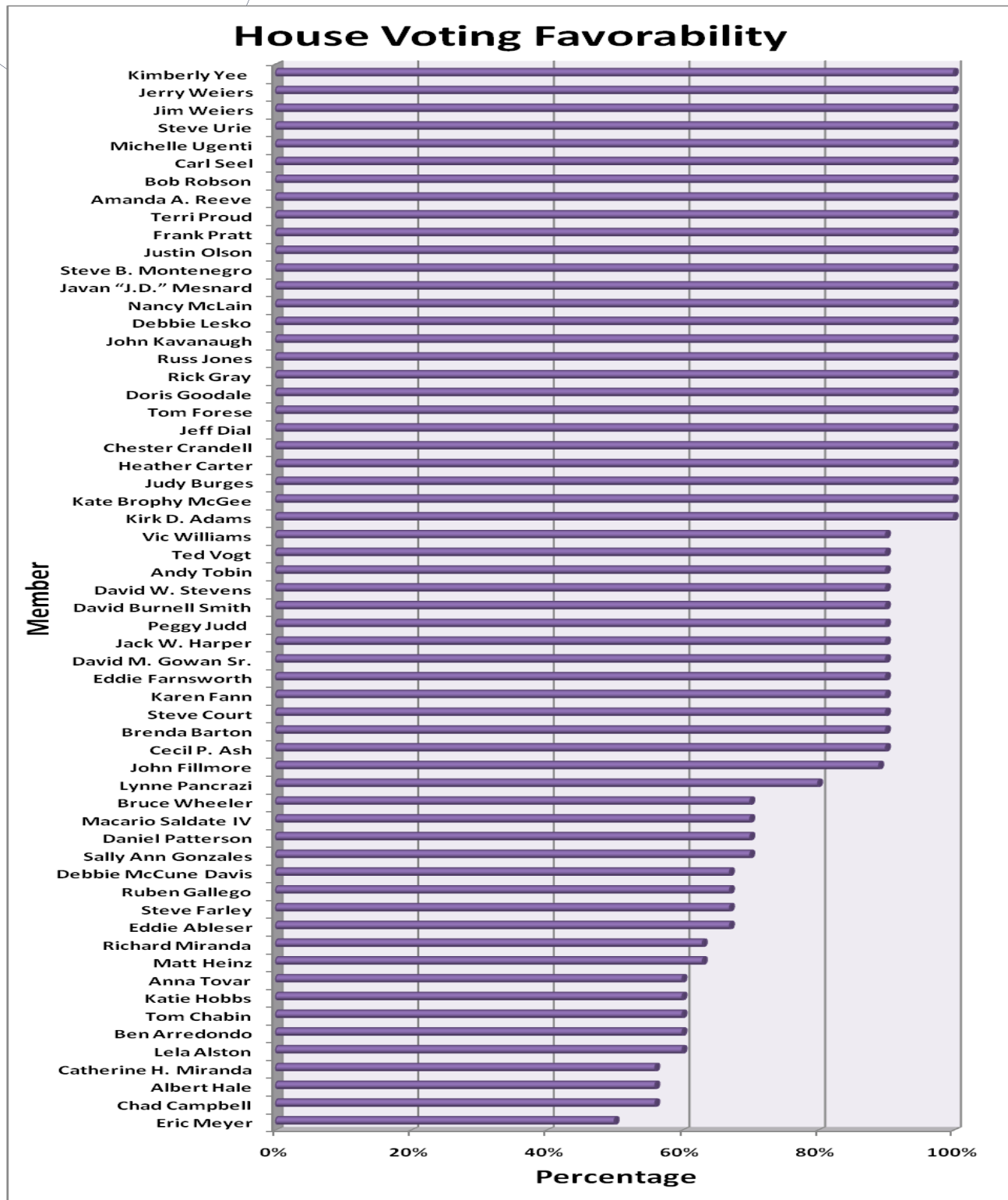
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Bar Graph 1: Percentage of favorable votes from all 60 members in the House of Representatives.

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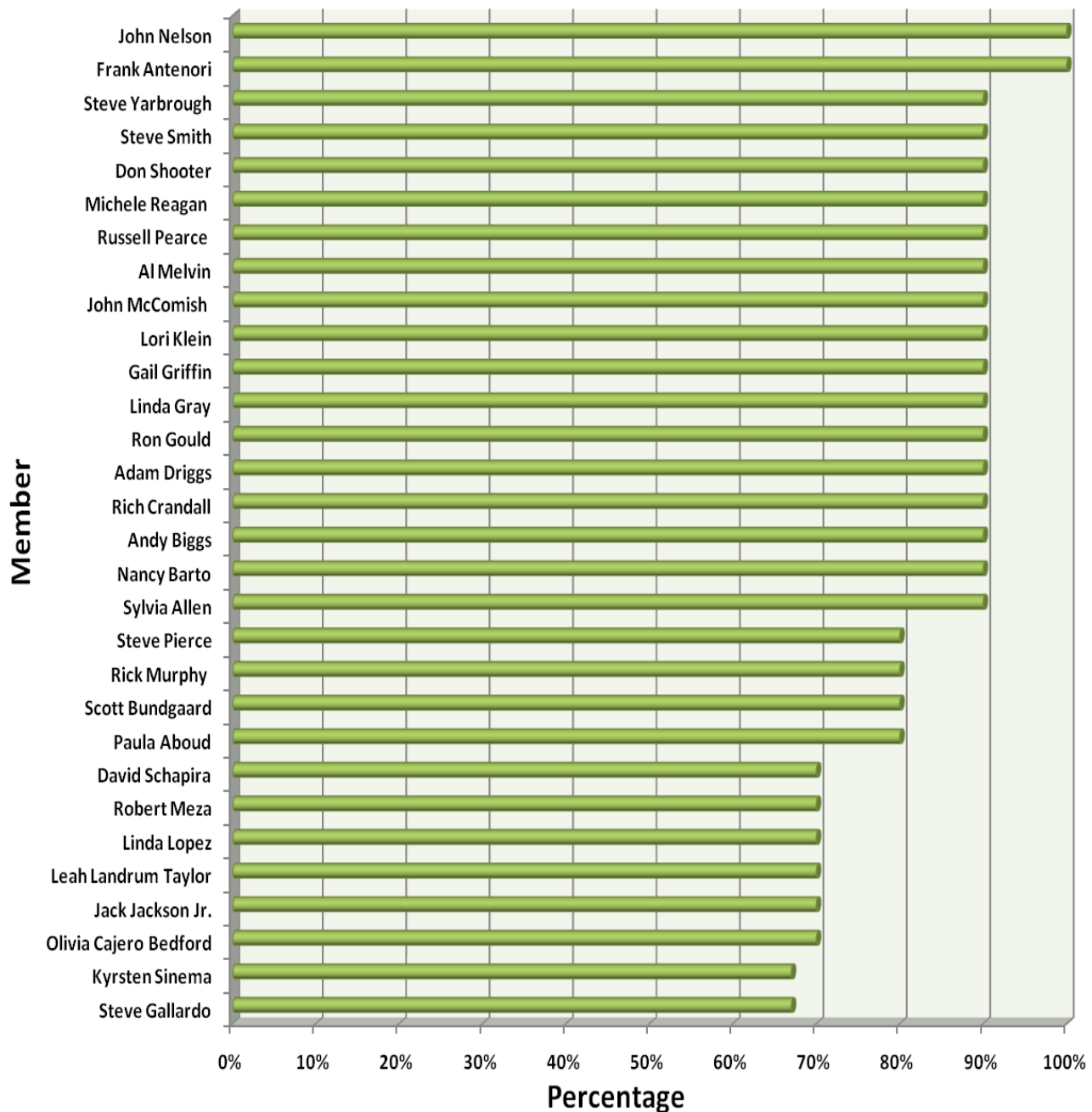
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Senate Voting Favorability



Bar Graph 2: Percentage of favorable votes from all 60 members in the Senate.

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“QUOTABLE QUOTES”

JANUARY

“This is nothing new. Democrats are used to being in the minority in the Arizona Legislature.” — Senate Minority Leader David Schapira at the beginning of the session.

“Saturday’s events were....an assault on our constitutional republic, on our democracy.” — Gov. Jan Brewer’s remark during her State of the State Address on a deadly shooting spree in Tucson that killed six and wounded several others, including U.S. Rep. Gabrielle Giffords.

“I will never say anything hateful or hurtful again about somebody else who I have a disagreement with because we must break this mold.” — Rep. Steve Farley, a Tucson Democrat.

“I do think that there are ‘before’ and ‘after’ moments, and this was one of those events.” — House Speaker Kirk Adams on the shooting in Tucson.

“I know there are some who say they have every right in the world to wrap their car around the telephone poll while texting. But they don’t have a right to take out other people at the same time.” —Tucson Republican Sen. Al Melvin, who said he will again push for legislation prohibiting texting while driving.

“We may be the minority party, but we are the watchdog for the people of this state.” — House Minority Leader Chad Campbell explaining how Democrats are attempting to position themselves at the Legislature.

FEBRUARY

“I’m just surprised it didn’t happen before now.” — Senate President Russell Pearce, on the recall efforts against him.

“The Arizona state Legislature is going to be hooked on medical marijuana.” — Rep. Justin Olson, a Mesa Republican, talking about the dangers of taxing medical pot.

“In one sentence – been there, done that.”— Rep. John Kavanagh, a Fountain Hills Republican, on a list of suggestions U.S. Health and Human Services Secretary Kathleen Sebelius made on how states can save money on their Medicaid programs.

“I think he’s just a jobs bill and pension reform bill away.” — Surprise Republican Sen. Jack Harper, on the likelihood House Speaker Kirk Adams would run for Congress.

“No one has actually read this bill completely...No one can actually stand up and defend this bill.” — Sen. Steve Gallardo, a Phoenix Democrat, who opposed the jobs bill.

“I demand you take these handcuffs off. I’m state Senator Scott Bundgaard, and according to Article 4 of the Constitution, you cannot detain me.” — Sen. Scott Bundgaard , a Peoria Republican, to police officers the night he got into a scuffle with his girlfriend, according to supplemental police reports.

“Veto-proof majorities is a nice theory.” — House Speaker Kirk Adams, on the chances of overriding a Gov. Jan Brewer veto on a bill to grant the Legislature authority over federal funds that are currently controlled by the Governor’s Office.

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"They might buy us our plane ticket out of the state." — Rep. Steve Farley, a Tucson Democrat, discussing how the Republicans would react if the Democrats in the House ever decided to leave the state to avoid a vote, as the Democratic senators in Wisconsin did over an anti-union bill.

"The question becomes: How many of our rights and freedoms are we willing to set aside in the name of illegal immigration enforcement?" — Sen. Rich Crandall, a Mesa Republican, who opposed a slew of bills being pushed by Senate President Russell Pearce, author of last year's SB1070.

"She asked if I was content to be a one-term senator." — Sen. Steve Yarbrough, a Chandler Republican, on his wife's response when he told her he wanted to reform the pension system for public safety employees.

"I just pray a lot, anymore." — Former legislator Pete Rios, a Democrat and Pinal County supervisor, on his reaction to the 2011 Legislature.

MARCH

"It was a blink of sanity that happened." — Tucson Democrat Sen. Paula Aboud referring to the Senate's decision to reject a bill creating a committee tasked to review and recommend the nullification of federal laws. The next day, however, the Senate revived the bill.

"We have passed four abortion bills. That, LoJacking the uterus, is absolutely the most nanny-state thing that you can do." — Then-House Minority Whip Matt Heinz, on criticisms that some Democrats' bills represent a "nanny state."

"If somebody is sitting behind us with a gun, let's be honest: The only thing that's going to protect us is (Sen. Lori) Klein." — Phoenix Democratic Sen. Steve Gallardo, during the March 2 debate of a bill that would allow guns to be carried in government buildings, referring to a colleague who carries a concealed pistol.

"Rolling on the side of the road in a fistfight with your girlfriend is bad behavior and it reflects badly on the Senate." — Sen. Ron Gould, a Lake Havasu City Republican, speaking about Sen. Scott Bundgaard.

"I liked the tax portions of the jobs bill but didn't care for the jobs portion of that bill." — Gilbert Republican Sen. Andy Biggs, on his opposition to tax credits.

"You know what? If that was my daughter and we still operated under the old school rules, something would've already happened. ...You used to have the dad and brother program that used to address these situations." — Lake Havasu City Republican Sen. Ron Gould, on Sen. Scott Bundgaard's altercation with his ex-girlfriend.

"I'm disappointed in the Senate today." — Sen. Ron Gould, a Lake Havasu City Republican, on the failure of SB1308 and SB1309 on the Senate floor on March 17. The bills, which Gould sponsored, were aimed at denying U.S. citizenship to the children of illegal immigrants.

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"I think the reason these bills failed is each one of them took away a civil liberty of someone who is here legally." — Mesa Republican Sen. Rich Crandall on the failure of a slate of immigration bills.

"If there's a guy in southern Arizona that can run to right of me, I defy you to find him." — Sen. Frank Antenori, a Tucson Republican, defending his conservative credentials after voting against the birthright citizenship bills.

"I really think that Mr. Gosar is a robot and the machine of very conservative, right-wing politics." — Rep. Tom Chabin, a Flagstaff Democrat, on CD1 freshman U.S. Rep. Paul Gosar.

APRIL

'I have no plans to be traveling to D.C. — or the D.C. metro area — any time soon. I've never had any plans for a D.C. fundraiser.' — House Speaker Kirk Adams on rumors about his travel plans in relation to a run for Congress.

"You can imagine how much pot has to be smoked for us to get \$10 million in TPT." — Gilbert Republican Sen. Andy Biggs, on the amount of money the state anticipates making in a sales tax on medical marijuana.

"The sun will come up tomorrow if you voted 'no' on all of them." — Senate Majority Whip Steve Pierce, a Prescott Republican, referring to bills on the third-reading calendar and arguing it was time for the Legislature to adjourn sine die.

"What is our obsession with guns? Simply because our Constitution outlines our right to possess a weapon doesn't mean we can take any weapon that can terrorize any group anywhere we want without consequences." — Rep. Tom Chabin, a Flagstaff Democrat.

"The Senate Judiciary Committee is a bastion of free speech." — Lake Havasu City Republican Sen. Ron Gould, after a speaker went off subject and complained about a lack of benefits for the Board of Executive Clemency while speaking on behalf of a confirmation nominee for that board.

"Sometimes you need divine intervention." — Sen. Steve Smith, a Maricopa Republican, explaining why he had taped a cross to his desk on the Senate floor.

"That's got to be the most rude veto letter ever." — Sen. Ron Gould, a Lake Havasu City Republican, on Gov. Jan Brewer's scathing veto letter on his guns-on-campus bill.

"I believe that I'm the same person that I was when I first ran for the Legislature." — Gov. Jan Brewer, on complaints that she's not conservative enough after she vetoed several conservative bills.

"I got a little ticked off. I had some bills killed by some folks in the House in a very sneaky, vindictive way after I bent over backwards to accommodate them with amendments. Then they stood up on the floor and killed my bills on final read. I was half tempted to say screw running for Congress. I'm coming back to make sure none of your stuff sees the light of day next year." — Sen. Frank Antenori, a Tucson Republican, on his conflicts with House colleagues and the possibility that he'll run for Congress in 2012.

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